

Application No.: 10/579,467
Art Unit: 2881

Amendment under 37 CFR §1.114
Attorney Docket No.: 062096

REMARKS

Claims 2, 3 and 5-32 are pending. Claim 1 is cancelled herein without prejudice or disclaimer. Claims 2, 3, 5, 21 are amended herein. Support for the amendments is detailed below. Claim 32 is added herein. Support for claim 32 is at least found at page [0092].

Applicants' Response to Election/Restrictions

Applicants confirm the election of claims 1-5, 21-24 and 31. Previously pending claim 31 was dependent on claim 1 and is now dependent on claim 21. Claim 31 is not referenced at page 2, sections 1-3, regarding the restriction requirement, but is examined by the current Office Action.

Applicants' Response to the Claim Rejections under 35 U.S.C. §102(b)

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0180916 to *Schadt et al.*

As noted above, applicants have cancelled claim 1 herein. Wherefore, applicants respectfully submit that the rejection is now moot.

Claims 1-3, 5, 21-22 and 31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,778,242 to *Maruyama et al.*

Applicants respectfully submit that Maruyama does not anticipate the present invention for at least the reason that it does not disclose each and every feature of the claims as now presented either expressly or inherently.

Page 5, section 5 of the Office Action maintains that applicants' remarks as to the lack of an alignment film being necessary in the present invention yet required by Maruyama is not recited within the claim language.

As set forth in the above amendments, applicants have incorporated claim 1 into claim 21 and further included the feature that the optical film is free of an alignment film other than the non-liquid crystal polymer.

In other words, the orientation layer required by Muruyama as taught at col. 35, line 45-47 cannot be present in the claimed optical film.

Thereby, Muruyama does not disclose each and every feature of the claimed invention; and thus, cannot anticipate the invention under 35 U.S.C. §102.

New Claim 32

New claim 32 has been added herein and states that at least one surface of the retardation film has a refractive index smaller in a polarization direction than a refractive index in a direction at 90° with respect to the polarization direction. Applicants respectfully submit that Muruyama does not disclose this feature, nor is there any manner whereby a skilled artisan could derive this

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feature based on Muruyama and the general knowledge of the art. Wherefore, applicants respectfully request further consideration of new claim 32.

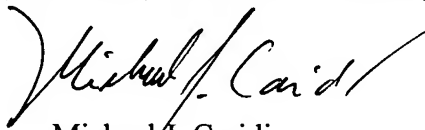
In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Michael J. Caridi", is written over the printed name and title.

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MJC/ttw